

BARRETT LAW GROUP, P.A.

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Firm Overview

Barrett Law Office, P.A. was founded by Pat M. Barrett in Lexington, Mississippi. Mr. Barrett graduated from Cumberland School of Law in Lebanon, Tennessee, in 1933. He began his law practice in Lexington serving Holmes County and Central Mississippi. His sons Pat M. Barrett, Jr., and Don Barrett joined their father's practice in the late 1960s. Over the years, several of Pat Barrett's grandchildren also joined the firm. In 2007, Barrett Law Office joined with The Law Offices of Richard R. Barrett, PLLC to form Barrett Law Group, P.A. Since then, Barrett Law Group, P.A. has evolved into a nationwide practice and has expanded to reach many new facets of the law. Barrett Law Group, P.A. has secured billions of dollars for its clients and litigated cases across the nation ranging from antitrust violations, insurance scams, defective products, to consumer fraud while at the same time continuing the tradition of Pat Barrett in taking care of the local citizens.

Attorneys

John W. (Don) Barrett

Don Barrett is one of the preeminent trial lawyers in America and has achieved great success for thousands of clients. Mr. Barrett has been the leader of many large pieces of litigation including the Ford/Firestone MDL Litigation and the tobacco litigation that brought about the 1998 Master Settlement Agreement with the tobacco industry. Mr. Barrett was one of the focus points of the 2000 book *Assuming the Risk: The Mavericks, The Lawyers, And The Whistle-Blowers Who Beat Big Tobacco* by Michael Orey. For Mr. Barrett's complete career biography, visit <https://barrettlawgroup.com/wp-content/uploads/2020/04/DB-Affidavit-April-2020.pdf>.

Richard R. Barrett

Richard Barrett practices in the areas of contract fraud, insurance litigation, oil and gas law, class actions, personal injury and environmental torts. He is a member American Bar Association and serves on that group's Toxic Tort Subcommittee. He was also a founding member of the Civil Justice Institute, which is a special task force in the Section of Litigation of the A.B.A. that provides solutions to current perceived problems with the present court system. He is also a member of The American Association for Justice, The National Trial Lawyers Association which has named him as one of the Top 100 Trial Attorneys in Mississippi for both 2010 and 2011, The Mississippi Bar Association, and Mississippi Association for Justice. He is currently

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responsible for both individual injury cases, as well as several mass tort cases, including cases with permanent injuries due to exposure to asbestos fibers and manganese gases from welding fumes.

Katherine Barrett Riley

Katherine Barrett Riley graduated from the University of Mississippi law school in 1998 and joined the firm with her family. She practices in the areas of personal injury, property, wills, estates, class actions and consumer fraud cases. She is currently serving as the city attorney of Lexington, Mississippi, as well as the attorney for the Holmes County Board of Supervisors. Mrs. Riley played an active role during the trial of Avery v. State Farm, which resulted in one of the largest verdicts ever against an insurance company and the largest verdict in Illinois history.

David McMullan, Jr.

David McMullan focuses his practice on complex civil litigation, including class actions, insurance, environmental and natural resources law. David earned his undergraduate degree from Rhodes College, his law degree from the University of Mississippi School of Law and his Masters of Environmental Law from Vermont Law School, where he graduated Magna Cum Laude. David holds a Martindale Hubbell peer reviewed and judicial rating of “AV” Preeminent. David is admitted to practice in the United States Supreme Court, the United States Court of Federal Claims, the Fifth Circuit Court of Appeals, the Ninth Circuit Court of Appeals, and United States District Courts including Mississippi. David’s broad experience includes representing parties on both sides of the bar. Before joining the firm, David was a partner with a large Jackson Mississippi defense firm, where he defended companies and insurers in complex matters, including environmental and commercial litigation.

Sterling Starns

Sterling Starns focuses on representing consumers in individual cases and class actions for personal and economic injury. Sterling currently represents hundreds of hospitals across the country which have sustained damages as a result of the opioid epidemic. She also represents numerous landowners in the State of Mississippi against the United States for a taking of their property along the Mississippi River. She also represents consumers in various class actions, including antitrust claims, product misbranding and labor depreciation cases. She represents consumers injured by talcum powder, Roundup, and Zantac and its generic equivalent, ranitidine. Sterling previously represented Fortune 100 Company against IBM for a failed computer project. Sterling has also served as municipal court judge for the City of Lexington, Mississippi since 2017.

Brandi Hamilton

Brandi R. Hamilton focuses her practice on the areas of personal injury, class actions, mass torts, antitrust, and consumer protection. Brandi attended Mississippi College School of Law and earned a Certificate in Health Law. Brandi represents a diverse group of clients in civil litigation matters, and works in all stages of civil litigation from pre-trial activities through appellate practice. She currently represents numerous women injured by talcum powder products, as well as hospitals that have sustained damages as a result of the nation’s opioid epidemic.

Ben White

Ben White joined the Barrett Law Group in 2020 after 18 years in solo practice. Prior to that he spent several years in a Gulf Coast insurance defense firm, and he began his practice in Biloxi, Mississippi, with a Chancery Court focused firm. Over the years, Ben has represented individuals and businesses in both State and Federal Courts nationwide and has tried jury and non-jury cases to verdict or directed verdict in Mississippi, Texas, and California. Major defense clients have included companies sued in toxic tort cases and municipalities involved in a variety of lawsuits. He has represented individuals in litigation as complex as the B.P. oil spill victims, a catastrophically injured man against an energy company, personal injuries in automobile manufacturing defect cases and more common cases involving car wrecks, domestic relations and contractual disputes. Since 2014, Ben has worked closely with Barrett Law Group, taking an active role in cases against a major Tech company, Auto Parts Suppliers, Pharmaceutical Companies, and many others. A native of Pascagoula, Mississippi, Ben graduated from Mississippi State University with a B.A. in History in 1992, and received his law degree from the University of Mississippi in 1995. He resides in Ridgeland, Mississippi, with his wife Christy and daughter Elle.

Active Cases

In Re: National Prescription Opiate Litigation

On November 30, 2017, our firm led the filing of the first RICO class action on behalf of U.S. hospitals against the manufacturers and distributors of opioids. On January 4, 2018, Judge Dan Polster appointed Don Barrett to the Plaintiffs Executive Committee as the representative of hospitals. As of today, our firm represents 780 hospitals in 43 states in this important litigation. In this litigation, we have settled two claims in bankruptcy for \$256 million dollars

In Re: Direct Purchaser Insulin Pricing Litigation

In September 2020, our firm was appointed as co-lead counsel for a class of direct purchasers of analog insulins, seeking recovery of damages under the Sherman Act and RICO for price-fixing.

In re Gilead Tenofovir Cases

In 2020, Brandi Hamilton was appointed to the Plaintiffs' Steering Committee on behalf of plaintiffs alleging that their use of defendant Gilead Sciences, Inc.'s tenofovir-based drugs caused them to develop kidney and/or bone injuries.

Mitchell v. State Farm

In September 2018, our firm was appointed as class counsel for a class of Mississippi insureds for recovery of improperly withheld labor depreciation. This case has settled and the final fairness hearing is set for January 29, 2020.

In Re: Automotive Parts Antitrust Litigation

Don Barrett is co-lead class counsel for the Automobile Dealer Actions pending before Judge Marianna Battani in the Eastern District of Michigan. In this capacity, we represent some 8,000

automobile dealers in 31 states, victimized by one of the largest price-fixing conspiracies in history. In this litigation we have forged a unique pact with the end-payer plaintiffs, and together as of September 4, 2018, have reached settlements with 71 different defendants for a total of approximately \$1.6 billion.

In Re: Coca-Cola Products Marketing and Sales Practices Litigation

On May 28, 2015, our firm was appointed co-lead counsel for plaintiffs. Class certification has been granted and the case is proceeding towards trial.

Notable Past Cases

First Impression Salon, Inc. v. National Milk Producers

In April 2020, our firm and co-counsel received final approval for a settlement of \$220 million on behalf of a class of direct purchasers in an antitrust action prior to trial.

Bridgestone Americas, Inc. v. International Business Machines Corporation

In 2018, our firm resolved breach of contract and fraud claims in a confidential settlement on behalf of Bridgestone Americas, Inc. in an action against IBM.

Hale et al v. State Farm Mutual Insurance Company

Don Barrett was lead class counsel and lead trial attorney for the plaintiffs in a national class action against State Farm Mutual Insurance Company in Illinois, concerning State Farm's use of imitation crash parts in auto repair. After a seven-week trial ending in October of 1999, the jury awarded a verdict of \$456 million and an additional \$600 million in punitive damages was awarded by the trial judge. This was the largest verdict ever rendered in the State of Illinois and the largest against any insurance company in the United States. This verdict was subsequently affirmed by a unanimous Illinois Court of Appeals, and reversed by the Illinois Supreme Court. From the ashes of that case arose *Hale et al v. State Farm Mutual Insurance Company*, filed in the Southern District of Illinois, which alleged that State Farm engineered the election of an Illinois Supreme Court justice, then lied about its election activities, to avoid a recusal of that justice from the panel deciding the *Avery v. State Farm* appeal. State Farm's motion to dismiss was denied and class certification was granted, and State Farm had three petitions denied in the Seventh Circuit. On September 13, 2018, after the trial jury was empaneled, and over 21 years after the original litigation began, Judge Herndon granted final approval to a settlement with State Farm for \$250 million.

In Re: Target Corporation Customer Data Security Breach Litigation

On May 22, 2014, Judge Paul Magnuson of the District of Minnesota appointed Don Barrett to the plaintiff's Executive Committee for U.S. banking and financial institutions. That litigation resulted in a \$65 million settlement for our clients in 2016.

National Trucking Financial Reclamation Services LLC v. Pilot Corporation

Don Barrett and Sterling Starns were co-lead counsel for plaintiff trucking firms from around the nation in a class action against the Pilot/Flying J truck stop group over alleged rebate underpayments to the truckers concerning the purchase of diesel fuel. Don Barrett negotiated a

settlement of 106% of all under-payments, plus all costs and fees of the litigation. Payments approached \$85 million; the final approval was given November 25, 2013, by the U.S. District Court in Little Rock, Arkansas.

In Re Neurontin Marketing and Sales Practices Litigation

On December 16, 2004, Don Barrett was appointed one of six members of the Class Plaintiffs' Steering Committee by U.S. District Judge Patti B. Saris of the District of Massachusetts. In that MDL, the case of an individual plaintiff (Kaiser Foundation Health Plan) against the defendant Pfizer, Inc., was tried over a five-week period in February and March of 2010 in Boston. That trial resulted in a jury verdict for plaintiff on its civil RICO claim in the amount of \$47.34 million, which was trebled under the RICO statute. This is believed to be the first civil RICO verdict ever rendered against a major pharmaceutical company. This verdict was affirmed by the 1st Circuit Court of Appeals and has been paid in full. The accompanying class action, after ten years of litigation and three denials of class certification, was settled in May of 2014 for \$325 million. Final approval of this settlement was granted by Judge Saris in October 2014.

Holman v. Noble Energy, Inc.

Barrett Law Group was co-lead class counsel on behalf of royalty owners in the Greater Wattenberg natural gas field in Colorado. This suit, which complained of systematic under-payments of royalties by a major natural gas producer, resulted in a \$98 million settlement for the class. This settlement received final approval by the Colorado court on June 11, 2007. Since that time, we have achieved class settlement in four similar cases, most recently in the federal district court in Denver on October 29, 2010. These five cases have produced settlements exceeding \$150 million; Barrett Law Group was also co-lead counsel in several similar cases currently pending in the Western District of Virginia. In the first of these cases, a settlement of \$3.4 million, which recovered over 95% of all compensatory damages claimed by the plaintiff class, received final approval by the District Court on October 4, 2011. In the cases against CNX and EQT, Judge Jones certified classes by orders entered on March 29, 2017, and those cases have now been settled.

Stanich v. Travelers Indemnity Company

On January 26, 2009, Barrett Law Group was appointed as class counsel in a certified class action concerning fraudulent insurance pricing. On March 31, 2010, the Court approved a settlement reached in that case which the Court valued at \$17,398,633, finding that class counsel were "experienced, professional, and highly skilled."

Vereen v. Lowe's Home Centers, Inc.

Barrett Law Group was co-lead class counsel in a national class action over the sale of defective drywall, pending in the Superior Court of Muscogee County, Georgia. On January 12, 2012, a settlement was finally approved by that court, affording financial relief to over 40,000 claimants. In approving the requested fee award, the *Vereen* Court spoke of our "excellent reputations in the legal community."

Hurricane Katrina Litigation

Barrett Law Group was lead counsel of the Katrina Litigation Group, a consortium of lawyers who represented hundreds of homeowners along the Mississippi Coast who were victimized first by Hurricane Katrina in August 2005, and then by their insurance companies. Our group favorably settled over 1,600 homeowners' claims (including those of former U.S. Senator Trent Lott, former U.S. Representative Gene Taylor, and U.S. District Court Judge Louis Guirola) for more than \$215 million. We are the only attorneys to have tried Hurricane Katrina cases to successful verdict in both state and federal court – *Lisanby v. USAA*, in June of 2008, resulting in a verdict and payment to Admiral and Mrs. Lisanby of \$849,841, and *Penthouse v. Certain Underwriters at Lloyds*, resulting in a verdict on February 24, 2011, amounting to \$1,832,804. On December 21, 2011, the *Penthouse* Court entered final judgment in the case, adding attorneys' fees, costs, and interest in the amount of \$3,111,533, bringing the total award to \$4,944,135.

In Re High Sulfur Content Gasoline Products Liability Litigation

On November 22, 2004, Barrett Law Group was appointed Plaintiffs' Co-Lead Counsel by U.S. District Judge Ivan L.R. Lemelle of the Eastern District of Louisiana. A \$100 million plus settlement was finally approved by the Court in September of 2006.

In Re Welding Fume Litigation

On September 17, 2003, Barrett Law Group was appointed plaintiffs' co-lead counsel by the U.S. District Court in Cleveland, Ohio. This litigation only recently settled with the remaining cases settling for \$26.5 million.

Bridgestone/Firestone/Ford Tire and Explorer Litigation

On November 22, 2000, Don Barrett was appointed as the Lead Class Counsel by Chief Judge Sarah Evans Barker. A nationwide settlement of the consumer class case against Bridgestone/Firestone was achieved in 2004 and approved by the Court in a Texas state case. On December 3, 2007, Judge David DeAlba of the Superior Court of Sacramento County, California preliminarily approved a multi-state class action settlement with Ford Motor Company. Final approval was granted in April 2008.

Nealy v. Woodman of the World Life Insurance Society

Barrett Law Group was co-lead counsel in the class action discrimination case brought against an insurance company. The case settled for \$23.1 million, which was approved by Chief Judge William H. Barbour, Jr., of the U.S. District Court for the Southern District of Mississippi.

In re GM Pick-Up Truck Fuel Tank Products Liability Litigation

Barrett Law Group was lead Court-appointed counsel for the plaintiffs in the litigation against General Motors Corporation concerning the "sidesaddle" fuel tank litigation. Final approval of a nationwide settlement with a minimum value to the class of \$500 million was achieved in April of 1999.

Tobacco Litigation

Don Barrett of the firm held a national leadership role in litigation against cigarette companies and was one of only a handful of plaintiff attorneys in the United States to try three tobacco liability cases through jury submission. Don had a leadership role in the massive Castano class action litigation in the U.S. District Court in New Orleans, and in related state class actions around the country. Don also represented the State of Mississippi, through Attorney General Mike Moore, in the State's successful efforts to recover its cigarette-related health care monies sent over the past years. Likewise, Don represented the Attorneys General of New York, Louisiana, Arizona, Washington, Indiana, Alaska, Idaho, Oregon, Rhode Island, Ohio, Vermont, Illinois, and the Commonwealth of Puerto Rico in their successful litigation against the tobacco industry. Don was one of three plaintiffs' attorneys who negotiated the landmark settlement with Liggett Group announced in March of 1996, as well as one of the lead attorneys in the historic settlement agreement entered into by twenty-two Attorneys General with Liggett Group on March 20, 1997. Don's tobacco litigation experiences have been chronicled in various national publications, including the ABA Journal, The New York Times, The American Lawyers, The Wall Street Journal, and The Washington Post. Two books concerning tobacco litigation also featured Don: *Cornered: Big Tobacco at the Bar of Justice*, by Peter Pringle (Henry Holt and Company, New York City, 1998); and *The People vs. Big Tobacco*, by Carrick Mollencamp, et al (Bloomberg Press, Princeton, N.J., 1998), and his experiences in tobacco litigation are the primary focus of another book, *Assuming the Risk*, by Michael Orey (Little, Brown & Co., New York City, September, 1999). More recently, in October of 2013, Don served as co-counsel for the class in an Arkansas state court class action against the Philip Morris Company; in the fall of 2016 that case settled for \$45 million. Don's tobacco experience has also found him featured on national television shows, including CBS's 60 Minutes, ABC's Day One, CNN's Moneyline, CourtTV's Cochran & Grace and Pro's & Con's, British Broadcasting Company (BBC)'s The Tobacco Wars, which was rebroadcast in the United States by The Learning Channel for his work in tobacco litigation.

Representation for the State of MississippiState of Mississippi ex rel. Attorney General Jim Hood v. Priceline.com

In 2020, David McMullan was appointed as co-lead counsel in an action to recover unremitted sales taxes owed to the State by online travel companies, we obtained summary judgment on liability and for actual damages and interest in excess of \$40 million with an October 2020 trial held on issue of additional penalties for fraud. We are currently awaiting the judge's decision.

State of Mississippi v. United States

In January 2019, the State of Mississippi retained our firm to sue the U.S. Corps of Engineers for taking thousands of acres of its land for a floodway along the Mississippi River, without paying for it. Suit has been filed in the U.S. Court of Federal Claims. Since then, private landowners along the lower Mississippi, owning approximately 500,000 acres in Arkansas, Louisiana and Mississippi, have retained our firm to sue the Corps for the same reason. We have survived the defendant's motion to dismiss, and the Court has opened discovery and entered a fair scheduling order on May 14, 2020, with a trial target of early fall of 2021.

Mississippi Department of Corrections Cases

Our firm led the team hired by the State of Mississippi in 2017 to pursue corporations which bribed the Mississippi Department of Corrections Commissioner to obtain contracts to provide our prisons with goods and services. We finished that assignment in October 2018, having sued and settled with 14 of these companies for a total of over \$29 million.

State of Mississippi ex rel. Attorney General Mike Moore v. Abbott Laboratories

Barrett Law Group also represented the State of Mississippi in its effort to recover monies lost by Mississippi consumers, and by the State itself, as a result of an alleged price-fixing conspiracy among infant formula manufacturers. Don Barrett was also co-counsel for plaintiffs in thirteen state court actions involving this same price-fixing conspiracy. These cases resulted in multi-million-dollar settlements in twelve of these states, but only in the making of some bad law in the thirteenth state (Louisiana), on a remand issue that plaintiffs lost in a tie vote (4-4) before the U.S. Supreme Court in March of 2000.

Recent Accolades

2019 Trial Lawyer of the Year

On July 29, 2019, Barrett Law Group was awarded the Public Justice Foundation's 2019 Trial Lawyer of the Year award as part of the Hale v. State Farm trial team.

The Definitive Guide to America's Leading Plaintiff Firms

The 2014 edition of Benchmark Plaintiff, The Definitive Guide to America's Leading Plaintiff Firms, "highly recommends" only two firms in Mississippi, and Barrett Law Group is one of them.